



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bartle *et al.*

Appl. No. 10/025,757

Filed: December 21, 2001

For: **High-Fat Animal Feed Tub**

Confirmation No. 1651

Art Unit: 1761

Examiner: *To be assigned*

Atty. Docket: 1533.6000000/SRL/MBT

**Petition to Revive Abandoned Application
Under 37 C.F.R. § 1.137(b)**

Commissioner for Patents
Washington, DC 20231

Box: DAC

Sir:

Applicants submit this petition under 37 C.F.R. § 1.137(b) to revive the above-captioned application. Accompanying this petition are the following:

1. Notice to File Missing Parts of Nonprovisional Application;
2. Original Declaration for Utility or Design Patent Application (37 C.F.R. 163) executed by the inventors; and
3. Petition fee as set forth in 37 C.F.R. § 1.17(m).

The entire delay in providing the required reply from the due date for the reply until the filing of this grantable petition pursuant to this paragraph was unintentional.

If additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Steven R. Ludwig
Attorney for Applicants
Registration No. 36,203

Date: 9/10/02
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

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WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 5

MICHAEL E. YATES
ARCHER DANIELS MIDLAND COMPANY
4666 EAST FARIES PARKWAY
DECATUR, IL 62526

COPY MAILED

NOV 14 2002

In re Application of :
Steven J. Bartle et al :
Application No. 10/025,757 :
Filed: December 21, 2001 :
Attorney Docket No. 1533.6000000/SRL/MBT :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 6, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed January 23, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 24, 2002.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to the Office of Initial Patent Examination.


Wan Laymon

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: STERNE KESSLER GOLDSTEIN & FOX
1100 NEW YORK AVENUE N.W.
SUITE 600
WASHINGTON, DC 20005-3934